IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14502 of 2004

Between:

1 Balmoori Upender Rao, S/o.Rama Rao,
R/o.2-4-62, Tadbund, Sikhvillage, Secunderabad.
2 Balmoori Nived Rao, S/o.Upender Rao,
R/o.2-4-62, Tadbund, Secunderabad.
3 Balmoori Devender Rao, S/o.Kamalakara Rao,
R/o.Raginedu Village, Pedapalli Mandal, Karimnagar Dist.
4 Nadipelli Suveen Rao, S/o.Janardhan Rao,
R/o.2-1-69/2, Pragathinagar,
Karimnagar Dist.
5 Balasankula Laxmi, W/o.Venkateswara Rao,
R/o.10-3-179, Vidhyanagar,
Karimnagar Dist.

...PETITIONERS

AND

1. The Sub-Registrar, Vallabhnagar, Begumpet, Secunderabad.

2. The Commissioner & Inspector General of Registration & Stamps,
Ramakrishna Complex, Golconda X Roads,
Musheerabad, Hyderabad.

3. The Secretary, Revenue Department, Govt.of A.P.,Secretariat
Buildings, Secretariat, Hyderabad.

4. Messrs.Navbharath Co-op Housing society Ltd., rep. Its Chairman
Sri.Narsing Rao, S/o.Rama Rao,
R/o.plot # 621, Vivekanandanagar, Kukatpally, R.R.Dist.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction, particularly one in the nature of writ of Mandamus, declaring the action of the first Respondent in not registering the regular sale deeds in favour of the proposed purchasers of the petitioners in respect of plots of petitioners, Balmoori Upender Rao (petitioner No.1 plot No.29, survey No.13/part, 266.66sq.yds), Balmoori Nived Rao (petitioner No.2, plot No.30, survey No.13/part, 266.66sq.yds), Balmoori Devender Rao (petitioner No.3, plot NO.16, survey No.13/part, 266.66sq.yds), Nadipelli Suveen Rao (petitioner No.4, plot No.159, survey No.13/part, 266.66 sq.yds) Balasankula Laxmi (Petitioner No.5, plot No.158, survey No.13/part, 266.66sq.ds) situated at Block No.5, Ward No.21, Pakalakunta, Hamlet of alwal Village, under Alwal Municipality, Malkajgiri Mandal, under jurisdiction of sub-Registrar, Vallabhnagar, R.R. District, as arbitrary, illegal violative of Article 14 of the Constitution of India and consequently direct the 1st Respondent authorities to register the regular sale deeds as and when presented by the petitioners by suspending the operation of the memos issued by the 2nd respondent vide Memo No.G4/11091/1/2003, dated 2nd January 2004 and another Memo No.25298/UC.II (1) 98-15, dated 19th December 2003 issued by the 3rd Respondent respectively.

Counsel for the Petitioners: MR.P.VENKATASWAMY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: None appears.

The Court at the admission stage made the following:

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

The instant Writ Petition is filed seeking a declaration that the action of the first respondent in not registering the sale deeds of the petitioners as and when they are presented as illegal and arbitrary. A consequential prayer is also sought to direct the first respondent to register the sale deeds by suspending the operation of the memo of the second respondent, Memo No.G4/11091/1/2003, dated 02.01.2004 and the memo of the third respondent, Memo No.25298/UC.II (1) 98-15, dated 19.12.2003.

The petitioners have not specifically challenged the two memoranda dated 02.01.2004 and 19.12.2003 issued by the second and third respondents respectively, basing on which the first respondent allegedly refused to register the sale deeds. The second petitioner is the son of the first petitioner and the other petitioners are close relatives of the first petitioner. All of them purchased house plots from the fourth respondent-society, which is said to have purchased the property under an agreement of sale deed, dated 07.06.1973. Be that as it is, the petitioners aver that due to their personal needs to raise money for paying donations to the colleges for their children's education, they wanted to dispose of the plots. They went to the first respondent and submitted draft sale deeds for ascertaining stamp duty but the first respondent informed them sales cannot be registered. They allege that the first respondent brought to their notice the two memoranda referred to herein above and expressed his inability to register the sale deeds. Therefore, the present Writ Petition is filed.

The petitioners have not yet submitted nor presented the sale deeds for registration. If the sale deeds are presented, the first respondent has to refuse registration after recording reasons. On request made by the petitioners, the first respondent has to disclose reasons for non-registration as per Section 71 of the Registration Act, 1908 ('the Act' for brevity). If any person is aggrieved by non-registration of document may obtain reasons for the same and prefer an appeal to the District Registrar under Section 72 of the Act. Even when the District Registrar refuses to give direction to the Sub-Registrar to register the sale deeds, such person has to file a suit before the Civil Court under Section 77 of the Act. The petitioners have filed this Writ Petition without proper cause of action. Therefore, this Writ Petition is disposed of giving liberty to the petitioners to take appropriate steps in accordance with the observations made herein above.

The Writ Petition is accordingly disposed of.

-

-

-

_____

(V.V.S.RAO, J)

17th August 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Sub-Registrar, Vallabhnagar, Begumpet, Secunderabad.
2. The Commissioner & Inspector General of Registration & Stamps, Ramakrishna Complex, Golconda X Roads, Musheerabad, Hyderabad.
3. The Secretary, Revenue Department, Govt.of A.P.,Secretariat Buildings, Secretariat, Hyderabad.

4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).

5. Two CCs to GP for Stamps & Registration, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.